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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Danielle Perez,

10 Plaintiff,

11 v.

12 Manuel Soto Escalante,

13 Defendant.  
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No. CV-17-1574-PHX-DKD

**REPORT AND RECOMMENDATION**

15 TO THE HONORABLE STEPHEN M. MCNAMEE, SENIOR U.S. DISTRICT JUDGE:

16 On December 4, 2017, Plaintiff filed an Application for Entry of Default and the  
17 Clerk of the Court entered default on December 5, 2017 (Docs. 11, 12). This matter  
18 having come before the Court on Plaintiff's Motion for Default Judgment (Doc. 16), and  
19 the Court having reviewed the pleadings on the issue of the relief to be awarded to  
20 Plaintiff, and the evidence presented by Plaintiff, finds that Defendant Manuel Soto  
21 Escalante was served with Plaintiff's summons and complaint, but failed to appear or  
22 otherwise defend this matter. Plaintiff is entitled to judgment against Defendant.

23 Accordingly, **IT IS RECOMMENDED** that a District Judge for the Phoenix  
24 Division grant Plaintiff's Motion for Default Judgment (Doc. 16).

25 **IT IS FURTHER RECOMMENDED** that the Court enter default judgment in  
26 favor of Plaintiff Danielle Perez and against Defendant Manuel Soto Escalante as  
27 follows:  
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1           A.     For Plaintiff's damages in the sum of Forty Seven Thousand Four Hundred  
2 and Thirty Dollars and Zero Cents (\$47,430.00);

3           B.     For Plaintiff's attorneys' fees in the amount of Two Thousand Two  
4 Hundred and Twelve Dollars (\$2,212.00);

5           C.     For Plaintiff's costs in the amount of Six Hundred and Eighty Four Dollars  
6 and Seventy Cents (\$684.70); and

7           D.     For post-judgment interest on the above amounts at the rate of 2.07% per  
8 annum.

9           This recommendation is not an order that is immediately appealable to the Ninth  
10 Circuit Court of Appeals. Any notice of appeal pursuant to Rule 4(a)(1), Federal Rules  
11 of Appellate Procedure, should not be filed until entry of the district court's judgment.  
12 The parties shall have fourteen days from the date of service of a copy of this  
13 recommendation within which to file specific written objections with the Court. *See*, 28  
14 U.S.C. § 636(b)(1); Rules 72, 6(a), 6(b), Federal Rules of Civil Procedure. Thereafter,  
15 the parties have fourteen days within which to file a response to the objections. Failure  
16 timely to file objections to the Magistrate Judge's Report and Recommendation may  
17 result in the acceptance of the Report and Recommendation by the district court without  
18 further review. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9<sup>th</sup> Cir. 2003).  
19 Failure timely to file objections to any factual determinations of the Magistrate Judge will  
20 be considered a waiver of a party's right to appellate review of the findings of fact in an  
21 order or judgment entered pursuant to the Magistrate Judge's recommendation. *See*  
22 Rule 72, Federal Rules of Civil Procedure.

23           Dated this 12th day of April, 2018.

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David K. Duncan  
United States Magistrate Judge

cc:   SMM